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Attorney for Debtor
A PLUS RESOURCE INTERNATIONAL, INC.

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
RIVERSIDE DIVISION**

In re
A PLUS RESOURCE INTERNATIONAL,
INC.,
Debtor.

FULGENCIO IBANEZ,
Plaintiff,

v.

YU YAN, RICHARD HATFIELD, DONG
LUAN, DONGYI CHEN, A PLUS RESOURCE
INTERNATIONAL, INC., AVIC
ENTERPRISES, INC., YOCG INDUSTRIES
(USA) INC., TANG JIE WEI, and DOES 1 TO
100, Inclusive,
Defendants.

CASE NO.: 6:14-BK-24947-MW
(CHAPTER 7)

**ADVERSARY PROCEEDING
NO.:** _____

**NOTICE OF TO FEDERAL COURT OF
REMOVAL OF CONSOLIDATED CIVIL
ACTIONS VC063538 AND VC063539
FROM STATE COURT PURSUANT TO
28 U.S.C. §1452**

Hon.: Judge Mark S. Wallace

Date:

Time:

Place: Courtroom 6C

**Ronald Reagan Federal Building
and United States Courthouse
411 West Fourth Street
Santa Ana, CA 92701-4593**

1 PACIFIC COMMODITIES CORPORATION,

2 Plaintiff,

3 v.

4 YU YAN, RICHARD HATFIELD, DONG
5 LUAN, DONGYI CHEN, A PLUS RESOURCE
6 INTERNATIONAL, INC., AVIC
7 ENTERPRISES, INC., YOCG INDUSTRIES
(USA) INC., TANG JIE WEI, and DOES 1 TO
100, Inclusive,

8 Defendants.
9

10 **TO THE HONORABLE MARK S. WALLACE, UNITED STATES BANKRUPTCY JUDGE**
11 **AND ALL INTERESTD PARTIES:**

12 Pursuant to 28 U.S.C. §§1452(a) and 1334(b), Rule 9027 of the Federal Rules of Bankruptcy
13 Procedure, General Order 266 of the U.S. District Court for the Central District of California (the
14 “District Court”), and Rule 9027-1 of the Local Rules of the U.S. Bankruptcy Court for the Central
15 District of California (the “Bankruptcy Court”), Defendant A Plus Resource International, Inc.
16 hereby gives notice that it has removed the California State Action from the Superior Court of the
17 State of California, for the County of Los Angeles, to the District Court, and, by reference and local
18 rules, from the District Court to the Bankruptcy Court. This notice is supported by the Declaration
19 of Marend M. Garrett. In support thereof, Defendant A Plus Resource International, Inc. states as
20 follows:
21

22 1. On or about December 15, 2014, A Plus Resource International, Inc. (the “Debtor”), the
23 Defendant in the State Court Action, filed a Chapter 7 petition, commencing a bankruptcy case
24 which is pending before the United States Bankruptcy Court for the Central District of California,
25 Riverside Division. The Chapter 7 case is designated as Case No. 6:14-BK-24947-MW.
26
27
28

2. At the time of the commencement of the Chapter 7 case and until the filing of this Notice of removal and the filing of a copy of this Notice of Removal with the State Court, this action was pending before the Superior Court of California for the County of Los Angeles. Copies of all process and pleadings filed in the State Court Action and the state court docket sheet will be submitted to this court within the time provided by FRBP 9027 and LBR 9027-1.

3. 28 U.S.C. §1452(a) provides that a “party may remove any claim or cause of action in a civil action other than a proceeding before the United States Tax Court or a civil action by a governmental unit to enforce such governmental unit’s police or regulatory power, to the district court for the district where such civil action is pending, if such district court has jurisdiction o such claim or cause of action under section 1334 of this title.”

4. This State Court Action, including all claims and causes of action asserted therein, is a civil action other than a proceeding before the United States Tax Court; and it is not a civil action by a governmental unit to enforce such governmental unit’s police or regulatory power.

5. 28 U.S.C. §1334 provides that district courts shall have original jurisdiction of all civil proceedings arising under Title 11 [of the Bankruptcy Code], or arising in or related to cases under Title 11.

6. The State Court Action is a civil proceeding that is directly related to a Chapter 7 bankruptcy case and constitutes a “core” proceeding within the meaning of 28 U.S.C. §157(b)(2)(A). In the State Court Action, Defendant A Plus Resource International, Inc. is defending itself against a Complaint that alleges, amongst other things, that Plaintiff Fulgencio Ibanez loaned the Debtor money to start a business venture and that said loan remains unpaid and that Plaintiff Pacific Commodities Corporation sold some material to the Debtor and that it’s invoice remains unpaid. Both cases were consolidated on December 11, 2014. Given the nature of the allegations at issue, the outcome of the

1 State Court Action could alter the Debtor's rights, assets, and liabilities, and the handling and
2 administration of the Debtor's estate.

3
4 7. Removal to this Court is proper under 28 U.S.C. §1452(a) because the Central District of
5 California is the district within which the State Court Action was pending prior to removal.

6
7 8. This Notice of Removal is timely. It is filed less than ninety (90) days after the order for relief in
8 the Chapter 7 case and, alternatively, within the time limits prescribed by Rule 9027(a)(2) of the
9 Federal Rules of Bankruptcy Procedure.

10
11 9. In accordance with Rules 9027(b) and 9027(c) of the Federal Rules of Bankruptcy Procedure, a
12 copy of this Notice of Removal will be served on all parties to the State Court Action and a copy of
13 this Notice of Removal will be promptly filed with the clerk of the Superior Court of California for
14 the County of Los Angeles.

15
16 10. A copy of the State Court Dockets of both cases are attached hereto as Exhibit 1.

17
18 11. This notice of removal is signed pursuant to the provisions of rule 11 of the federal rules of civil
19 procedure and rule 9011 of the federal rules of bankruptcy procedure.

20
21 WHEREFORE, notice is hereby given that this action is removed from the Superior Court of
22 California for the County of Los Angeles to the United States District Court for the Central District
23 of California and, by reference and general order, from the District Court to the Bankruptcy Court.

24
25 DATED: DECEMBER 19, 2014

Respectfully submitted by:

26 /s/Marend M. Garrett
27 Marend M. Garrett
28 Attorney for Debtor and Defendant
A Plus Resource International, Inc.

DECLARATION

I , Marend M. Garrett, do hereby declare:

I am the attorney for A Plus Resource International, Inc. and have read the foregoing notice of removal and know its contents. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Executed on December 19, 2014 at San Bernardino, California

/s/Marend M. Garrett
Marend M. Garrett

EXHIBIT 1



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ONLINE SERVICES

Case Summary

CASE SUMMARY

PRINT

Case Number: VC063538
FULGENCIO IBANEZ VS YU YAN, ET. AL.
Filing Date: 10/11/2013
Case Type: Othr Breach Contr/Warr-not Fraud (General Jurisdiction)
Status: Pending

Cases Related: VC063539 on 08/13/2014

Future Hearings

None

[Documents Filed](#) | [Proceeding Information](#)

Parties

A PLUS RESOURCE INTERNATIONAL INC. - Defendant
AVIC ENTERPRISES INC. - Defendant
CHEN DONGYI - Defendant
GARRETT MAREND M. LAW OFFICES OF - Attorney for Defendant
HATFIELD RICHARD - Defendant
IBANEZ FULGENCIO - Plaintiff
LUAN DONG - Defendant
MEAGLIA RICHARD - Attorney for Plaintiff
WEI TANG JIE - Defendant
YAN YU - Defendant, & Defendant in Pro Per
YOCG INDUSTRIES (USA) INC. - Defendant

[Case Information](#) | [Party Information](#) | [Proceeding Information](#)

Documents Filed (Filing dates listed in descending order)

Click on any of the below link(s) to see documents filed on or before the date indicated:
[03/11/2014](#)

12/15/2014 Notice of Bankruptcy Stay
Filed by Attorney for Defendant

12/11/2014 Stipulation and Order (TO CONSOLIDATE CASES VC063538 AND VC063539)
Filed by Attorney for Plaintiff

12/05/2014 Declaration (OF RICHARD MEAGLIA IN REGARD TO ORDER TO SHOW CAUSE AS TO WHY
SANCTIONS SHOULD NOT BE ORDERED AGAINST DEFENDANTS YU YAN, RICHARD HATFIELD AND A PLUS
RESOURCE INTERNATIONAL INC.)
Filed by Attorney for Plaintiff

11/05/2014 Proof of Service Filed (OF NOTICE OF MOTION TO COMPEL DEFENDANTS YU YAN, RICHARD

11/05/2014 Order (RE 11-5-14 HEARING)

Filed by Court

10/07/2014 Order (RE 10-7-14 HEARING)

Filed by Court

09/11/2014 Motion to Compel (RESPONSE TO REQUESTS FOR PRODUCTION OF FORM AND SPECIAL INTERROGATORIES; PRODUCE DOCS.; REQUEST FOR MONETARY SANCTIONS;)

Filed by Attorney for Plaintiff

09/11/2014 Notice (OF DISMISSAL OF BANKRUPTCY PROCEEDING)

Filed by Attorney for Plaintiff

09/11/2014 Notice of Ruling (RE AUG. 13, 2014 RULINGS IN DEPT. F)

Filed by Attorney for Plaintiff

07/18/2014 Notice of Bankruptcy Stay

Filed by Attorney for Defendant

07/08/2014 Request for Dismissal (WITHOUT PREJUDICE; COMPLAINT TANG JIE WEI;)

Filed by Attorney for Plaintiff

07/07/2014 General Denial (FILED ON BEHALF OF AVIC ENTERPRISES, INC.; (DEFAULT ENTERED ON 6-23-14))

Filed by Attorney for Defendant

07/07/2014 General Denial (FILED ON BEHALF OF DONG LUAN; (DEFAULT ENTERED ON 7-2-14))

Filed by Attorney for Defendant

07/07/2014 Order-Court Fee Waiver (RE DONG LUAN;)

Filed by Court

07/07/2014 Request-Waive Court Fees (FILED ON BEHALF OF DONG LUAN;)

Filed by Attorney for Defendant

07/07/2014 General Denial (FILED ON BEHALF OF DONGYI CHEN; (DEFAULT ENTERED ON 6-23-14))

Filed by Attorney for Defendant

07/07/2014 Order-Court Fee Waiver (RE DONGYI CHEN;)

Filed by Court

07/07/2014 Request-Waive Court Fees (FILED ON BEHALF OF DONGYI CHEN;)

Filed by Attorney for Defendant

07/07/2014 General Denial (FILED ON BEHALF OF YOCG INDUSTRIES (USA) INC. (DEFAULT ENTERED ON 7-2-14))

Filed by Attorney for Defendant

07/07/2014 Notice (OF TIME AND PLACE OF MANDATORY SETTLEMENT AND TRIAL;)

Filed by Attorney for Defendant

07/02/2014 Default Entered (ON FIRST AMENDED COMPLAINT; AGAINST DONG LUAN; YOCG INDUSTRIES (USA) INC.)

Filed by Attorney for Plaintiff

06/23/2014 Default Entered (ON FIRST AMENDED COMPLAINT AGAINST AVIC ENTERPRISES, INC; DONGYI CHEN;)

Filed by Attorney for Plaintiff

06/23/2014 Proof-Service/Summons (AND FIRST AMENDED COMPLAINT; PARTY SERVED- DONG LUAN;)

Filed by Attorney for Plaintiff

06/23/2014 Proof-Service/Summons (AND FIRST AMENDED COMPLAINT; PARTY SERVED- YOCG INDUSTRIES (USA) INC.;)

Filed by Attorney for Plaintiff

05/30/2014 Answer to First Amended Complaint (DEFTS YU YAN, RICHARD HATFIELD AND A PLUS RESOURCE INTERNATIONAL, INC.'S ANSWER TO PLTF'S FIRST AMENDED COMPLAINT;)

Filed by Attorney for Defendant

05/30/2014 Proof of Service (BY FAX, ELECTRONIC SERVICE OF DEFENDANTS' ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT;)

Filed by Attorney for Defendant

05/15/2014 Order (RE 5-15-14 HEARING)

Filed by Court

05/14/2014 Notice of Hearing

05/02/2014 Opposition (TO DEMURRER)
Filed by Attorney for Plaintiff

05/02/2014 Opposition (TO DEFENDANT'S MOTION TO STRIKE)
Filed by Attorney for Plaintiff

04/28/2014 Proof-Service/Summons (AND FIRST AMENDED COMPLAINT; DONGYI CHEN SERVED)
Filed by Attorney for Plaintiff

04/28/2014 Proof-Service/Summons (AND FIRST AMENDED COMPLAINT; AVIC ENTERPRISES, INC. SERVED)
Filed by Attorney for Plaintiff

04/22/2014 Motion to Strike
Filed by Attorney for Defendant

04/22/2014 Demurrer

Filed by Attorney for Defendant

04/02/2014 Declaration (REQUESTED RULING AT THE CASE MANAGEMENT CONFERENCE FOR SERVICE OF DOCUMENTS; DECLARATION OF RICHARD MEAGLIA (FOR HEARING ON 4/30/14))
Filed by Attorney for Plaintiff

03/25/2014 Notice of Ruling (RE DEMURRER OF DEFENDANT RICHARD HATFILED; OVERRULED; HEARD MARCH 11, 2014)
Filed by Attorney for Plaintiff

03/18/2014 Order (RE 3-18-14 HEARING)
Filed by Court

Click on any of the below link(s) to see documents filed on or before the date indicated:
[TOP 03/11/2014](#)

03/11/2014 Order (RE 3-11-14 HEARING)
Filed by Court

03/10/2014 Reply to Opposition (TO DEMURRER TO FAC)
Filed by Attorney for Defendant

03/03/2014 Notice (OF FURTHER HEARINGS)
Filed by Attorney for Plaintiff

02/27/2014 Motion to Dismiss
Filed by Attorney for Defendant

02/26/2014 Opposition (TO DEMURRER TO FAC)
Filed by Attorney for Plaintiff

02/13/2014 Request-Waive Court Fees
Filed by Defendant, & Defendant in Pro Per

02/13/2014 Order-Court Fee Waiver (AS TO YU YAN)
Filed by Court

02/13/2014 Demurrer (TO FAC; (FILED BY THE LAW OFFICES OF MAREND M. GARRETT))
Filed by Attorney for Defendant

02/13/2014 Motion to Dismiss
Filed by Defendant, & Defendant in Pro Per

02/07/2014 Substitution of Attorney
Filed by Attorney for Plaintiff

02/07/2014 Statement-Case Management
Filed by Attorney for Plaintiff

01/08/2014 Summons Filed (ON FIRST AMENDED COMPLAINT)
Filed by Attorney for Plaintiff

01/08/2014 First Amended Complaint (- SUMMONS ISSUED)
Filed by Attorney for Plaintiff

12/19/2013 Order (RE 12/19/13 HEARING)
Filed by Court

11/21/2013 Request-Waive Court Fees
Filed by Defendant, & Defendant in Pro Per

11/21/2013 Order-Court Fee Waiver (GRANTED)
Filed by Court

11/21/2013 Demurrer (TO COMPLAINT)

10/11/2013 Summons Filed
Filed by Attorney for Plaintiff

10/11/2013 Complaint Filed
Filed by Attorney for Plaintiff

10/11/2013 Notice-Case Management Conference
Filed by Clerk

Click on any of the below link(s) to see documents filed on or before the date indicated:

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Proceedings Held (Proceeding dates listed in descending order)

12/16/2014 at 09:30 am in Department F, Master Calendar, Presiding
Court Trial - Long Cause (& OSC AS TO WHY SANCTIONS SHOULDNOT BE IMPOSED AGAINST THE DEFTSFOR
THEIR F.T.A. ON 11/05/143 DAYSMSC=O/C) - **Trial continued**

11/05/2014 at 08:30 am in Department F, Master Calendar, Presiding
Mandatory Settlement Conference (TD=12/16/14) - **Off Calendar**

11/05/2014 at 01:30 pm in Department C, Roger Ito, Presiding
Motion to Compel (CONTINUED FROM 10-7-14) - **Motion Granted**

10/07/2014 at 01:30 pm in Department C, Roger Ito, Presiding
Motion to Compel - **Matter is continued**

08/13/2014 at 08:30 am in Department F, Master Calendar, Presiding
Order to Show Cause (FOR ENTRY OF DEFAULT ON DEFENDANTS DONG LUAN; DONG YI CHEN;
AVICENTERPRISES; YOCG INDUSTRIES, INC. AND WEI TANGC/F 6/26/14) - **OSC Discharged**

08/13/2014 at 01:30 pm in Department F, Master Calendar, Presiding
Order re Related Cases - **Completed**

06/26/2014 at 08:30 am in Department F, Master Calendar, Presiding
Order to Show Cause (RE SERVICE/ANSWER/RESPONSE TO THE OPERATIVE COMPLAINT BY ALL
NAMED DEFTS/TRIAL SETTING CONFERENCE PER M/O 04/30/14) - **Trial and MSC Set**

05/15/2014 at 01:30 pm in Department C, Roger Ito, Presiding
Hearing on Demurrer (AND MOTION TO STRIKE THE FOURTH AND FIFTH CAUSES OF ACTION;) - **Overruled**

04/30/2014 at 08:30 am in Department F, Master Calendar, Presiding
Order to Show Cause (RE SERVICE/ANSWER/RESPONSE/ENTRY OF DEFAULT/DEFAULT/TRIAL
SETTING CONFERENCE PER M/O 02/11/14) - **OSC held & continued**

03/18/2014 at 01:30 pm in Department C, Roger Ito, Presiding
Motion to Dismiss (AND REQUEST FOR ATTORNEY'S FEES;) - **Denied**

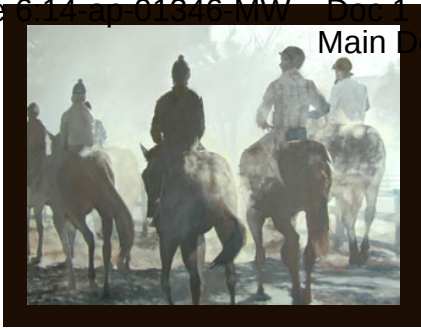
03/11/2014 at 01:30 pm in Department C, Roger Ito, Presiding
Hearing on Demurrer (TO FIRST AMENDED COMPLAINT AND REQUEST FOR ATTY. FEES;) - **Demurrer
overruled**

02/11/2014 at 01:30 pm in Department F, Master Calendar, Presiding
Conference-Case Management - **Held-Continued**

12/19/2013 at 01:30 pm in Department C, YVONNE T. SANCHEZ, Presiding
Hearing on Demurrer - **Demurrer sustained with leave**

[Case Information](#) | [Party Information](#) | [Documents Filed](#) | [Proceeding Information](#)

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Case Summary

CASE SUMMARY

PRINT

Case Number: VC063539
PACIFIC COMMODITIES CORPORATION VS. YU YAN, ET. AL.
Filing Date: 10/11/2013
Case Type: Collections Case-Seller Plaintiff (General Jurisdiction)
Status: Consolidated with Lead Case 12/11/2014

Cases Related: VC063538 on 08/13/2014

Future Hearings

12/22/2014 at 09:30 am in department F at 12720 Norwalk Blvd., Norwalk, CA 90650
Court Trial - Long Cause(& OSC AS TO WHY SANCTIONS SHOULDNOT BE IMPOSED AGAINST THE DEFTS FOR
THEIR F.T.A. ON 11/05/143 DAYSMSC=O/C)

[Documents Filed](#) | [Proceeding Information](#)

Parties

A PLUS RESOURCE INTERNATIONAL INC. - Defendant
AVIC ENTERPRISES INC. - Defendant
CHEN DONGYI - Defendant
HATFIELD RICHARD - Defendant
LUAN DONG - Defendant
MAREND M. GARRETT - Attorney for Defendant
MEAGLIA RICHARD - Attorney for Plaintiff
PACIFIC COMMODITIES CORPORATION - Plaintiff
WEI TANG JIE - Defendant
YAN YU - Defendant, & Defendant in Pro Per
YOCG INDUSTRIES (USA) INC. - Defendant

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Documents Filed (Filing dates listed in descending order)

Click on any of the below link(s) to see documents filed on or before the date indicated:

[03/18/2014](#)

12/15/2014 Notice of Bankruptcy Stay (DEFENDANT A PLUS RESOURCE INTERNATIONAL INC. FILED BK)
Filed by Attorney for Defendant

12/11/2014 Stipulation and Order (TO CONSOLIDATE CASES VC063539 AND VC063538)
Filed by Attorney for Plaintiff

12/05/2014 Declaration (OF RICHARD MEAGLIA IN REGARD TO ORDER TO SHOW CAUSE AS TO WHY
SANCTIONS SHOULD NOT BE ORDERED AGAINST DEFENDANTS YU YAN, RICHARD HATFIELD AND A PLUS
RESOURCE INTERNATIONAL INC)

11/05/2014 Proof of Service Filed (OF NOTICE OF MOTION TO COMPEL DEFENDANTS YU YAN, RICHARD HAT- FILED, AND A PLUS RESOURCE INTERNATIONAL, INC.)
Filed by Attorney for Plaintiff

11/05/2014 Order (RE 11-5-14 HEARING)
Filed by Court

10/07/2014 Order (RE 10-7-14 HEARING)
Filed by Court

09/11/2014 Motion to Compel
Filed by Attorney for Plaintiff

09/11/2014 Notice of Ruling (RE DEFAULTS ENTERED ON DEFENDANTS DONG LUAN, DONG YI CHEN, AVIC ENTERPRISES AND YOCG INDUSTRIES, INC. AND RELATED CASE NO. VC063538)
Filed by Attorney for Plaintiff

09/11/2014 Notice (OF DISMISSAL OF BANKRUPTCY PROCEEDING)
Filed by Attorney for Plaintiff

07/18/2014 Notice of Bankruptcy Stay
Filed by Attorney for Defendant

07/08/2014 Request for Dismissal (WITHOUT PREJUDICE; COMPLAINT TANG JIE WEI;)
Filed by Attorney for Plaintiff

07/07/2014 Order-Court Fee Waiver (RE DONGYI CHEN;)
Filed by Court

07/07/2014 General Denial (FILED ON BEHALF OF DONGYI CHEN; (DEFAULT ENTERED ON 6-23-14))
Filed by Attorney for Defendant

07/07/2014 General Denial (FILED ON BEHALF OF AVIC ENTERPRISES, INC.; (DEFAULT ENTERED ON 6-23-14))
Filed by Attorney for Defendant

07/07/2014 Request-Waive Court Fees (FILED ON BEHALF OF DONG LUAN;)
Filed by Attorney for Defendant

07/07/2014 Notice (OF TIME AND PLACE OF MANDATORY SETTLEMENT AND TRIAL;)
Filed by Attorney for Defendant

07/07/2014 General Denial (FILED ON BEHALF OF YOCG INDUSTRIES (USA), INC. (DEFAULT ENTERED ON 7-2-14))
Filed by Attorney for Defendant

07/07/2014 Order-Court Fee Waiver (AS TO DONG LUAN;)
Filed by Court

07/07/2014 General Denial (FILED ON BEHALF OF DONG LUAN; (DEFAULT ENTERED ON 7-2-14))
Filed by Attorney for Defendant

07/07/2014 Request-Waive Court Fees (FILED ON BEHALF OF DONGYI CHEN;)
Filed by Attorney for Defendant

07/02/2014 Default Entered (ON FIRST AMENDED COMPLAINT; AGAINST DONG LUAN; YOCG INDUSTRIES (USA) INC.;)
Filed by Attorney for Plaintiff

06/23/2014 Default Entered (ON FIRST AMENDED COMPLAINT AGAINST AVIC ENTERPRISES, INC.; DONGYI CHEN;)
Filed by Attorney for Plaintiff

06/23/2014 Proof-Service/Summons (AND FIRST AMENDED COMPLAINT; PARTY SERVED- DONG LUAN;)
Filed by Attorney for Plaintiff

06/23/2014 Proof-Service/Summons (AND FIRST AMENDED COMPLAINT; PARTY SERVED- YOCG INDUSTRIES (USA), INC.;)
Filed by Attorney for Plaintiff

06/03/2014 Answer to First Amended Complaint (FILED ON BEHALF OF YU YAN, RICHARD HATFIELD AND A PLUS RESOURCE INTERNATIONAL, INC.)
Filed by Attorney for Defendant

05/29/2014 Order (VACATING ENTRY OF DEFAULT; DEFAULT PREMATURE)
Filed by Court

05/15/2014 Default Entered (AGAINST YU YAN, RICHARD HATFIELD, A PLUS RESOURCE INTERNATIONAL, INC. *****SET ASIDE PER 5-29-14 ORDER*****)

05/14/2014 Notice of Hearing
Filed by Attorney for Plaintiff

05/08/2014 Order (RE 5-8-14 HEARING_)
Filed by Court

04/28/2014 Opposition (OF PLAINTIFF TO MOTION TO STRIKE FAC AND DISMISS ACTION; DECLARATION OF RICHARD MEAGLIA)
Filed by Attorney for Plaintiff

04/28/2014 Proof of Service Filed
Filed by Attorney for Plaintiff

04/22/2014 Motion to Strike (THE FAC AND DISMISS THE ENTIRE ACTION;)
Filed by Attorney for Defendant

04/15/2014 Miscellaneous-Other (REQUESTED RULING AT THE CASE MGMT CONF FOR SERVICE OF DOCUMENTS; DECL. OF RICHARD MEAGLIA)
Filed by Attorney for Plaintiff

03/25/2014 Notice of Ruling (RE DEMURRER OF DEFENDANT RICHARD HATFILED; OVERRULED; HEARD MARCH 11, 2014)
Filed by Attorney for Plaintiff

Click on any of the below link(s) to see documents filed on or before the date indicated:
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03/18/2014 Order (RE 3-18-14 HEARING)
Filed by Court

03/11/2014 Order (RE 3-11-14 HEARING)
Filed by Court

03/10/2014 Reply to Opposition (TO DEMURRER TO FAC)
Filed by Attorney for Defendant

02/27/2014 Motion to Dismiss
Filed by Attorney for Defendant

02/26/2014 Opposition (TO DEMURRER TO FAC)
Filed by Attorney for Plaintiff

02/21/2014 Notice (OF FURTHER HEARINGS)
Filed by Attorney for Plaintiff

02/13/2014 Order-Court Fee Waiver (AS TO YU YAN)
Filed by Court

02/13/2014 Request-Waive Court Fees
Filed by Defendant, & Defendant in Pro Per

02/13/2014 Motion to Dismiss
Filed by Defendant, & Defendant in Pro Per

02/10/2014 Substitution of Attorney
Filed by Attorney for Defendant

02/07/2014 Statement-Case Management
Filed by Attorney for Plaintiff

02/07/2014 Demurrer (TO FAC)
Filed by Attorney for Defendant

01/08/2014 Summons Filed (ON FIRST AMENDED COMPLAINT)
Filed by Attorney for Plaintiff

01/08/2014 First Amended Complaint (- SUMMONS ISSUED)
Filed by Attorney for Plaintiff

11/21/2013 Order-Court Fee Waiver (GRANTED)
Filed by Court

11/21/2013 Request-Waive Court Fees
Filed by Defendant, & Defendant in Pro Per

11/21/2013 Demurrer
Filed by Defendant, & Defendant in Pro Per

10/11/2013 Complaint Filed
Filed by Attorney for Plaintiff

10/11/2013 Notice-Case Management Conference
Filed by Clerk

Click on any of the below link(s) to see documents filed on or before the date indicated:
[TOP](#) [03/18/2014](#)

[Case Information](#) | [Party Information](#) | [Documents Filed](#)

Proceedings Held (Proceeding dates listed in descending order)

11/05/2014 at 08:30 am in Department F, Master Calendar, Presiding
Mandatory Settlement Conference (TD=12/22/14) - **Not held**

11/05/2014 at 01:30 pm in Department C, Roger Ito, Presiding
Motion to Compel (CONTINUED FROM 10-7-14) - **Motion Granted**

10/07/2014 at 01:30 pm in Department C, Roger Ito, Presiding
Motion to Compel - **Matter is continued**

08/13/2014 at 08:30 am in Department F, Master Calendar, Presiding
Order to Show Cause (REGARDING VERIFICATION A DEFAULT HAS BEEN ENTERED AGAINST DEFENDANTS
YOCG INDUSTRIES; AVICENTERPRISES; DONGYI CHEN; DONGLUAN; TANG JIE WEI; C/F 6/26/14) - **OSC**
Discharged

06/26/2014 at 08:30 am in Department F, Master Calendar, Presiding
Order to Show Cause (RE SERVICE/ANSWER/RESPONSE BY ALL NAMED DEFTS/TRIAL SETTING CONF. PER M/O
04/30/14) - **Trial and MSC Set**

05/08/2014 at 01:30 pm in Department C, Roger Ito, Presiding
Motion to Strike - **Denied**

04/30/2014 at 08:30 am in Department F, Master Calendar, Presiding
Order to Show Cause (RE SERVICE/ANSWER/RESPONSE/ENTRY OF DEFAULT/DEFAULT/TRIAL
SETTING CONFERENCE PER M/O 02/11/14) - **OSC held & continued**

03/18/2014 at 01:30 pm in Department C, Roger Ito, Presiding
Motion to Dismiss (AND REQUEST FOR ATTORNEY'S FEES;) - **Denied**

03/11/2014 at 01:30 pm in Department C, Roger Ito, Presiding
Hearing on Demurrer (TO FIRST AMENDED COMPLAINT AND REQUEST FOR ATTORNEY'S FEES;) - **Demurrer**
overruled

02/11/2014 at 01:30 pm in Department F, Master Calendar, Presiding
Conference-Case Management - **Held-Continued**

12/19/2013 at 01:30 pm in Department C, YVONNE T. SANCHEZ, Presiding
Hearing on Demurrer - **Demurrer sustained with leave**

[Case Information](#) | [Party Information](#) | [Documents Filed](#) | [Proceeding Information](#)

☐ [Go to Case Summary](#)



"Little Red Ball" by Pebble Wallace
2009 – Juror's Choice Award



PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
357 West Second Street, Suite 11, San Bernardino, CA 92401

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF TO FEDERAL COURT OF REMOVAL OF CONSOLIDATED CIVIL ACTIONS VC063538 AND VC063539 FROM STATE COURT PURSUANT TO 28 U.S.C. §1452** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) December 19, 2014, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Howard B Grobstein (TR) - hbgtustee@gtfas.com
- United States Trustee (RS) – ustpreion16.rs.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) December 16, 2014, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Plaintiffs' Counsel – Richard Meaglia, 688 West Foothill Boulevard, Monrovia, CA 91016
Honorable Mark S. Wallace, 411 West Fourth Street, Suite 6135, Santa Ana, CA 92701-4593

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

December 19, 2014 Marend M. Garrett


Date

Printed Name

/s/Marend M. Garrett

Signature

ADVERSARY PROCEEDING COVER SHEET (Instructions on Page 2)		ADVERSARY PROCEEDING NUMBER (Court Use Only)		
PLAINTIFFS Fulgencio Ibanez	DEFENDANTS Yu Yan, Richard Hatfield, Dong Luan, Dongyi Chen, A Plus Resource International, Inc., AVIC Enterprises, Inc., YOCG Industries (USA) Inc., Tang Jie Wei, and DOES 1 TO 100,			
ATTORNEYS (Firm Name, Address, and Telephone No.) Richard Meaglia 688 West Foothill Boulevard Monrovia, CA 91016	ATTORNEYS (If Known) Marend M. Garrett 357 West Second Street, Suite 11 San Bernardino, CA 92401			
PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee			
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Removed of State Court Action				
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div> </td> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input checked="" type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case) </td> </tr> </table>			FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div>	FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input checked="" type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)
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<input type="checkbox"/> Check if this case involves a substantive issue of state law <input type="checkbox"/> Check if a jury trial is demanded in complaint	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23 Demand \$			
Other Relief Sought				

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR A Plus Resource International, Inc.		BANKRUPTCY CASE NO. 6:14-bk-24947-MW
DISTRICT IN WHICH CASE IS PENDING Central District of California	DIVISIONAL OFFICE Riverside	NAME OF JUDGE Mark S. Wallace
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING Central District of California	DIVISIONAL OFFICE Riverside	NAME OF JUDGE Mark S. Wallace
SIGNATURE OF ATTORNEY (OR PLAINTIFF) 		
DATE December 19, 2014	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Marend M. Garrett	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 104, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not presented by an attorney, the plaintiff must sign.

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>Marend M. Garrett (SBN:264537) marend.garrettesq@hotmail.com THE LAW OFFICE OF MAREND M. GARRETT 357 West Second Street, Suite 11 San Bernardino, CA 92401 Tel: (909) 806-4301 Fax: (626) 236-5583</p> <p><i>Attorney for Plaintiff</i></p>		<p>FOR COURT USE ONLY</p>	
<p>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION</p>			
<p>In re: A Plus Resource International, Inc.</p>		<p>CASE NO.: 6:14-bk-24947-MW</p> <p>CHAPTER: 7</p>	
<p>Fulgencio Ibanez</p>		<p>ADVERSARY NUMBER:</p>	
<p>Debtor(s).</p>			
<p>Plaintiff(s)</p> <p>Yu Yan, Richard Hatfield, Dong Luan, Dongyi Chen, A Plus Resource International, Inc., AVIC Enterprises, Inc., YOCG Industries (USA) Inc., Tang Jie Wei, and DOES 1 TO 100, inclusive</p>		<p>SUMMONS AND NOTICE OF STATUS CONFERENCE IN ADVERSARY PROCEEDING [LBR 7004-1]</p>	
<p>Defendant(s)</p>			

TO THE DEFENDANT: A Complaint has been filed by the Plaintiff against you. If you wish to defend against the Complaint, you must file with the court a written pleading in response to the Complaint. You must also serve a copy of your written response on the party shown in the upper left-hand corner of this page. The deadline to file and serve a written response is _____. If you do not timely file and serve the response, the court may enter a judgment by default against you for the relief demanded in the Complaint.

A status conference in the adversary proceeding commenced by the Complaint has been set for:

Hearing Date: _____

Time: _____

Courtroom: _____

Place:

☐ 255 East Temple Street, Los Angeles, CA 90012

☒ 3420 Twelfth Street, Riverside, CA 92501

☐ 411 West Fourth Street, Santa Ana, CA 92701

☐ 1415 State Street, Santa Barbara, CA 93101

☐ 21041 Burbank Boulevard, Woodland Hills, CA 91367

You must comply with LBR 7016-1, which requires you to file a joint status report and to appear at a status conference. All parties must read and comply with the rule, even if you are representing yourself. You must cooperate with the other parties in the case and file a joint status report with the court and serve it on the appropriate parties at least 14 days before a status conference. A court-approved joint status report form is available on the court's website (LBR form F 7016-1.STATUS.REPORT) with an attachment for additional parties if necessary (LBR form F 7016-1.STATUS.REPORT.ATTACH). If the other parties do not cooperate in filing a joint status report, you still must file with the court a unilateral status report and the accompanying required declaration instead of a joint status report 7 days before the status conference. **The court may fine you or impose other sanctions if you do not file a status report. The court may also fine you or impose other sanctions if you fail to appear at a status conference.**

**KATHLEEN J. CAMPBELL
CLERK OF COURT**

Date of Issuance of Summons and Notice of Status Conference in Adversary Proceeding: _____

By: _____
Deputy Clerk

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
357 West Second Street, Suite 11, San Bernardino, CA 92401

A true and correct copy of the foregoing document entitled: **SUMMONS AND NOTICE OF STATUS CONFERENCE IN ADVERSARY PROCEEDING [LBR 7004-1]** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Marend M. Garrett

Date

Printed Name

Signature